IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:10-CV-109-FDW-DCK

RAYMOND JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
HENDRICK AUTOMOTIVE GROUP,)	
and HENDRICK HONDA)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on "Defendants' Motion To Quash The Deposition Notice Of Pat Long" (Document No. 56) and "Defendants' Motion For Protective Order Regarding The Deposition Notices Of Chuck Colson, Nate Pearson, And Tommie Fulp" (Document No. 58) filed January 6, 2011. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and in the interests of judicial economy, adherence to the case management plan, and recognizing imminent deadlines addressed in the motions, immediate review of these motions is appropriate. Having fully considered the motions and the record, the undersigned will grant the motions.

It is increasingly apparent that Plaintiff and Defendants are failing to heed the instructions of the Court in the telephone conference and Order (Document No. 51) of December 30, 2010, to work together to resolve their discovery disputes and schedule depositions without further Court intervention. The result has been a predictable flurry of motions practice that does not effectively utilize the Court's limited time and resources, and cannot be the best use of the parties' time and resources.

Nevertheless, the Court has carefully reviewed the pending motions and will make a prompt

ruling in an on-going effort to keep this case on track. Under the circumstances, the undersigned

agrees that Plaintiff provided insufficient notice of the depositions of Pat Long, Chuck Colson, Nate

Pearson and Tommie Fulp. The Court will therefore, on those grounds, grant the pending motions.

The Court declines to address the issue of whether Pat Long is a proper deponent and leaves

that question open pending any further Notice by Plaintiff to depose Pat Long at a later date. The

Court agrees with Defendants' position that it is most reasonable for depositions in this matter to

take place in Charlotte, North Carolina, as that appears to be the address of Plaintiff, Defendants,

and the proposed deponents.

As stated in the Court's previous Order (Document No. 55), the Court respectfully suggests

that the deposition of Plaintiff Raymond Johnson resume on January 13, 2011, and that the

depositions of Defendants' witnesses take place on or about January 18 and 19, 2011.

IT IS, THEREFORE, ORDERED that "Defendants' Motion To Quash The Deposition

Notice Of Pat Long" (Document No. 56) is **GRANTED**.

IT IS FURTHER ORDERED that "Defendants' Motion For Protective Order Regarding

The Deposition Notices Of Chuck Colson, Nate Pearson, And Tommie Fulp" (Document No. 58)

is **GRANTED**.

Signed: January 7, 2011

David C. Keesler

United States Magistrate Judge

2